

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: WALKER et al.

Serial No.: Not yet assigned

Filing Date: October 2, 2000

For: SYSTEM, METHOD AND APPARATUS  
FOR ENCOURAGING THE  
UNDERTAKING OF A PREVENTATIVE  
TREATMENT

) Examiner: Not yet assigned

) Group Art Unit: Not yet assigned

) Customer No.: 22927



JC926 U.S. PTO  
09/678117  
10/02/00

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
  
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_  
\_\_\_\_\_.
  
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
  
4. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
  - ☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
  - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
  - ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
  
5. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of

Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.

6. [ ] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.

7. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
- b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
- c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.

8. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

- [ ] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;

☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.

☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.

9. ☐ I hereby certify:

☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☐ Please accept payment of the fees due as indicated below:

☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose

☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).

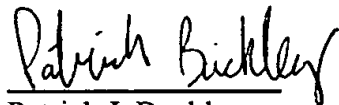
☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

11. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

October 2, 2000

Date

Respectfully submitted,



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# INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

00-047

Application Number

Not yet assigned

Applicant(s)

Jay s. Walker et al.

Filing Date

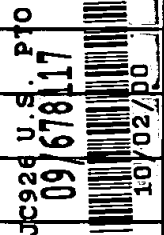
October 2, 000

Group Art Unit

Not yet assigned

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A	4,712,562	12/15/87	Ohayon et al.	128	672	
	B	4,831,242	5/16/89	Englehardt et al.	235	382	
	C	5,018,067	5/21/91	Mohlenbrock et al.	364	413.02	
	D	5,207,580	5/04/93	Strecher	434	238	
	E	5,301,105	4/05/94	Cummings, Jr.	364	401	
	F	5,410,471	4/25/95	Alyfuku et al.	364	413.02	
	G	5,473,537	12/05/95	Glazer et al.	364	419.2	
	H	5,492,117	2/20/96	Eisenberg et al.	128	630	
	I	5,692,501	12/02/97	Minturn	128	630	
	J	5,722,418	3/03/98	Bro	128	732	
	K	5,813,863	9/29/98	Sloane et al	434	236	



## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	L	WO 97/28445	8/07/97	PCT				
	M	WO 00/04512	1/27/00	PCT				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

N	Buchanan, Eugene "HEALTH, NOT ECONOMICS, FUELING DENVER AREA NO-SMOKING POLICIES"; March 5, 1990; Vol 41; No 24; Sec 1; Pg. 20; The Denver Business Journal
O	"INSURANCE COMMISSIONER DAVID N. LEVINSON TO ADDRESS NATIONAL HEALTH INSURANCE CONFERENCE"; September 10, 1991; State and Regional News; PR Newswire

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	P	5,864,822	1/26/99	Baker, III	705	14	
	Q	5,877,707	3/02/99	Kowalick	340	988	
	R	5,937,387	8/10/99	Summerell et al.	705	2	
	S	5,953,704	9/14/99	Mellroy et al.	705	2	
	T	5,956,689	9/21/99	Everhart, III	705	3	
	U	5,967,789	10/19/99	Segel et al.	434	236	
	V	6,014,632	1/11/00	Gamble et al.	705	4	
	W	6,039,688	3/21/00	Douglas et al.	600	300	
	X	6,061,657	5/09/00	Whiting-O'Keefe	705	2	
	Y	6,067,522	5/23/00	Warady et al.	705	2	
	Z	6,067,523	5/23/00	Bair et al.	705	3	

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

AA	Austin Barra, Judith "COATS' MEDICAL SAVINGS PLAN IS PART OF GOP HEALTH PROPOSAL"; OCTOBER 13, 1993; Gannett News Service
BB	Mason, Julie Cohen "THE COST OF WELLNESS; THE EVIDENCE IS TRICKLING IN: WORKSITE WELLNESS PROGRAMS NOT ONLY HELP IMPROVE EMPLOYEE'S HEALTH, BUT ALSO HAVE A POSITIVE IMPACT ON THE BOTTOM LINE."; July, 1994; Vol 83; No. 7; Pg. 29: ISSN: 0025-1895; Management Review

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CC

"HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", Public Law 104-191-104th Congress; August 21, 1996

DD

"PART-TIME, CONTINGENT WORKER BENEFITS: BEING CREATIVE DOESN'T MEAN BEING EXPENSIVE"; June, 1997; Vol. 51, No. 12; Pg. 37-40; ISSN: 0013-6808; Coden: EBPVAL; Employee Benefit Plan Review

EE

"CIGARETTE SMOKING AMONG ADULTS-UNITED STATES, 1995"; December 26, 1997; No. 51; Vol. 46; Pg. 1217; ISSN: 0149-2195; Morbidity and Mortality Weekly Report

FF

"FISCAL FITNESS" HOW WELLNESS PROGRAMS CAN BOOST THE BOTTOM LINE"; July, 1998; No. 7, Vol. 42; Pg. 17; ISSN: 0273-7930; Indiana Business Magazine

GG

Brotherton, Phaedra "PAYBACKS ARE HEALTHY; HUMAN RESOURCE BENEFITS; FOCUS ON HR BENEFITS"; No. 9, Vol. 43; Pg. S2; ISSN: 1047-3149; HRMagazine

HH

Peterson Wolff, Maggie "INCENTIVES DRIVE EMPLOYEE WELLNESS PROGRAM"; October, 1998; Vol. 9; No. 12; Pg. 22; Quad-State Business Journal

II

Kalbfleisch, Robin "HEALTHY REWARDS: FROM WEEKEND GETAWAYS TO EACH REWARDS, INCENTIVE-BASED WELLNESS PROGRAMS CAN HELP EMPLOYEES GET MORE BANG FOR THEIR BENEFITS BUCK"; November, 1998; v. 22 (10) N'98 pg. 19; ISSN: 0703-7732

JJ

Asp, Karen "PREVENTION FIRST: CONSIDER OCCUPATIONAL HEALTH SERVICES TO HELP PREVENT WORKPLACE INJURIES"; January, 1999; Vol. 43; No. 1; Pg. 20; Indiana Business Magazine

KK

Newman, Berry "PENALTIES, INCENTIVES AND WELLNESS PROGRAMS AFTER HIPAA"; March, 1999; Vol. 24; No. 1; Pg. 29-32; ISSN: 0361-4050; Coden: CMPWAB; Employee Benefits Journal

LL

Dunham, Sharon "REWARDS FOR GOOD HEALTH; COMPANY OFFERS EMPLOYEE A MONETARY INCENTIVE TO KEEP IN SHAPE"; May 1, 1999; Pg. 01C; The Bismarck Tribune

MM

"DEPARTMENT OF HEALTH AND HUMAN RESOURCES, FEDERAL REGISTER PART VI"; August 20, 1999

NN

Bonn, Dorothy "GENETIC TESTING AND INSURANCE: FEARS UNFOUNDED?"; ISSN: 0099-5355 April 29, 2000; The Lancet

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OO

"Powell, Don R "CHARACTERISTICS OF SUCCESSFUL WELLNESS PROGRAMS"; September, 1999; Vol. 24, No. 3, Pg. 15-21; ISSN: 0361-4050; Coden: CMPWAB; Employee Benefits Journal

PP

"CASH-FOR-STERILIZATION: WILL IT COME TO NEW ENGLAND?"; September 9, 1999; Medical Ethics; American Health Line

QQ

"CANCER EXPENSE INSURANCE POLICY"; (<http://www.af-group.com>); download date, May 15, 2000

RR

"HMOS: PHONE SUPPORT PROGRAMS HELPING THEM SNUFF OUT SMOKING"; March 31, 2000; Vol. 14, No. 10; Pg. 19; ISSN: 08951551; San Antonio Business Journal

SS

Lore, Diane "HEALTHY LIVING THE PAINFUL TRUTH ABOUT MEN AND DOCTORS: MACHO ATTITUDES STILL KEEP THEM AWAY, BUT WIVES, BUDDIES CAN RAISE AWARENESS"; April 4, 2000; Features; Pg. 1D; The Atlanta Journal and Constitution

TT

"MERCK-MEDCO RX PLAN OFFERS CONSUMERS CASH BACK ON 42 SELECTED DRUGS"; April 20, 2000; Vol. 12; Issue 75; Health News Daily

UU

"CBLO NEWS BRIEFS"; May, 2000; Pg. 8; Compensation & Benefits for Law Offices

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